
SENATE BILL No. 86

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-28-2.

Synopsis: Petition for change of name of a minor child. Removes a provision that requires a parent or guardian of a minor child who wishes to change the name of the minor child to publish the first notice of the petition for the name change not more than seven days after the date the petition is filed.

Effective: July 1, 2010.

Broden

January 5, 2010, read first time and referred to Committee on Judiciary.

C
o
p
y



Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 86

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-28-2-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) Upon filing a
3 petition for a name change, the applicant shall give notice of the
4 petition as follows:

5 (1) By three (3) weekly publications in a newspaper of general
6 circulation published in the county in which the petition is filed
7 in court.

8 (2) If no newspaper is published in the county in which the
9 petition is filed, the applicant shall give notice in a newspaper
10 published nearest to that county in an adjoining county.

11 (3) The last weekly publication shall be published not less than
12 thirty (30) days before the day the petition will be heard as
13 indicated in the notice.

14 ~~(b) In the case of a petition described in section 2(b) of this chapter;~~
15 ~~the petitioner must publish the first notice of the petition not more than~~
16 ~~seven (7) days after the date the petition is filed.~~

17 **(b)** In the case of a petition described in section 2(b) of this

C
o
p
y



chapter, the notice required by this section must include the following:

- (1) The name of the petitioner.
- (2) The name of the minor child whose name is to be changed.
- (3) The new name desired.
- (4) The name of the court in which the action is pending.
- (5) The date on which the petition was filed.
- (6) A statement that any person has the right to appear at the hearing and to file objections.

~~(d)~~ (c) Except as provided in section 1.5 of this chapter, in the case of a person who has had a felony conviction within ten (10) years before filing a petition for a change of name, at least thirty (30) days before the hearing the petitioner must give notice of the filing of the petition to:

- (1) the sheriff of the county in which the petitioner resides;
- (2) the prosecuting attorney of the county in which the petitioner resides; and
- (3) the Indiana central repository for criminal history information.

~~(e)~~ (d) The notice given to the Indiana central repository for criminal history information under subsection ~~(d)~~ (c) must include the petitioner's full current name, requested name change, date of birth, address, physical description, and a full set of classifiable fingerprints.

~~(f)~~ (e) The Indiana central repository for criminal history information shall forward a copy of any criminal records of the petitioner to the court for the court's information.

~~(g)~~ (f) A copy of the court decree granting or denying such a petition shall be sent to the Indiana state police.

~~(h)~~ (g) A person who violates subsection ~~(d)~~ (c) commits a Class A misdemeanor.

SECTION 2. IC 34-28-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) Proof of the publication required in this chapter is made by filing a copy of the published notice, verified by the affidavit of a disinterested person, and when proof of publication is made, the court shall, subject to the limitations imposed by subsections (b), (c), and (d), proceed to hear the petition and make an order and decree the court determines is just and reasonable.

(b) In the case of a petition described in section 2(b) of this chapter, the court may not hear the petition and issue a final decree until after thirty (30) days from the later of:

- (1) the filing of proof of publication of the notice required under subsection (a); or
- (2) the service of the petition upon the parents or guardian of the

C
o
p
y



1 minor child.

2 (c) In the case of a petition described in section 2(b) of this chapter,
3 the court shall set a date for a hearing on the petition if:

4 (1) written objections have been filed; or

5 (2) either parent or the guardian of the minor child has refused or
6 failed to give written consent as described in section 2(b) of this
7 chapter.

8 The court shall require that appropriate notice of the hearing be given
9 to the parent or guardian of the minor child or to any person who has
10 filed written objections.

11 (d) In deciding on a petition to change the name of a minor child,
12 the court shall be guided by the best interest of the child rule under
13 IC 31-17-2-8. However, there is a presumption in favor of a parent of
14 a minor child who:

15 (1) has been making support payments and fulfilling other duties
16 in accordance with a decree issued under IC 31-15, IC 31-16, or
17 ~~IC 31-17~~ IC 31-17 (or IC 31-1-11.5 before its repeal); and

18 (2) objects to the proposed name change of the child.

19 (e) In the case of a person required to give notice under section ~~3(d)~~
20 **3(c)** of this chapter, the petitioner must certify to the court that the
21 petitioner has complied with the notice requirements of that subsection.

**C
o
p
y**

